

DOCKET NO: 240631US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
HIROYUKI SAKUYAMA, ET AL. : EXAMINER: DO, A. H.
SERIAL NO: 10/623,558 :
FILED: JULY 22, 2003 : GROUP ART UNIT: 2624
FOR: IMAGE RECORDING APPARATUS :
AND IMAGE DATA SELECTION
METHOD

COMMENT ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In reply to the Notice of Allowance of August 1, 2007, Applicants provide the following comments.

The Examiner's Statement of Reasons for Allowance on page 3 states that Claim 88 is allowable for reciting "means for controlling ... the means for detecting."

However, Claim 88 is a method claim that does not recite any language invoking 35 U.S.C. § 112, sixth paragraph. Claim 88 recites "detecting a lack of unused capacity of the recording medium." Claim 88 also recites "controlling the data amount reduction process for the recorded image data in a case where the lack of unused capacity is detected by the detecting step."

Accordingly, Applicants submit that Claim 88 is allowable for reasons independent of the Examiner's Statement of Reasons for Allowance.

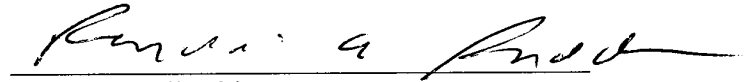
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Ronald A. Rudder, Ph.D.
Registration No. 45,618

JJK:RAR:SP\la